

**REAL ESTATE BOARD
MINUTES
APRIL 14, 2005**

PRESENT: Richard Kollmansberger, Lloyd Levin, Peter Sveum, Maria Watts,
Lisabeth Weirich

EXCUSED: Rebecca Dysland

STAFF PRESENT: Roxanne Peterson, Direct Licensing Coordinator; William Black, Legal
Counsel and Division of Enforcement Staff

GUESTS: Rick Staff, WRA

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:00 a.m. A quorum of five members was present.

ADOPTION OF AGENDA

Addition to Agenda:

- 2006 Proposed Board Meeting Dates

MOTION: Lloyd Levin, moved, seconded by Maria Watts, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (02/24/05)

MOTION: Peter Sveum moved, seconded by Maria Watts, to approve the minutes as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

- Karen Behnke-Knoblauch and Stamus, LLC (02 REB 139)
- William Berland & Homestead Realty, Inc. (02 REB 122 & 04 REB 035)
- Todd Frey (02 REB 089)
- Jeremiah J. Gulley, Inage Realty, LLC (03 REB 052)
- John J. Lasko (02 REB 262)
- Marguerita McClain (03 REB 263)
- Russell J. Warren (01 REB 315)
- Jeanne T. Werla (03 REB 052)
- Earl J. Phillips (04 REB 183)

ADMINISTRATIVE REPORT

Small Business Review Advisory Committee Discussion

Chris Klein, Executive Assistant and Legislative Liaison, met with the Board to discuss the role of the SBRAC in relation to proposed legislation and its involvement with the Board. Mr. Klein advised that the Advisory Committee will be the voice of the Department in decisions relating to whether a bill has significant impact on small business.

The Board advised it would like its rules to go to the Committee as soon as the rules are out of the Clearinghouse.

Board Roster

No changes reported.

2005 Board Meeting Dates

By consensus, the Board will discuss Strategic Planning at its October 27, 2005, meeting. Board members will provide Roxanne Peterson with specific topics for discussion.

2006 Proposed Board Meeting Dates

The Board received a copy of the 2006 Board meeting dates. Roxanne Peterson advised that these dates will be published on the Department's web site.

Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation

Noted

DISCUSSION RE: 2005 WRA LICENSE LAW TASK FORCE – CHAPTER 452 MODERNIZATION RECOMMENDATION OVERVIEW

Rick Staff met with the Board to discuss the WRA License Law Task Force's modernization recommendations to Chapter 452 and the significant concepts that will be included in the proposed draft. Mr. Staff reported that he will provide the Board with a copy of the draft Bill once it is prepared.

Significant concepts:

- Sub-agents
- Broker definition – broaden scope – place structure on duties
- Loyalty duties clause
- Designated agency
- Limited service broker
- "Employ"

MOTION: Peter Sveum moved, seconded by Maria Watts, that the Board is in favor of the concepts as discussed at the meeting. Motion carried unanimously.

The Board requested that this issue be placed on the agenda when it receives a copy of the Bill draft.

PRACTICE QUESTIONS

Question re: Posting PECFA Sites on DOC PECFA Website.

Discussed. Bill Black will respond on behalf of the Board.

Question re: Disclosure of Identification of Buyers Submitting Competing Offers

Discussed. Bill Black will respond on behalf of the Board.

CLOSED SESSION

MOTION: Peter Sveum moved, seconded by Maria Watts, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning. Roll Call Vote: Peter Sveum-yes; Lloyd Levin-yes; Maria Watts-yes; Lisabeth Weirich-yes; Richard Kollmansberger-yes. Motion carried unanimously.

Open session recessed at 10:05 a.m.

RECONVENE TO OPEN SESSION

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to reconvene into Open Session at 12:25 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

REQUEST FOR A REVIEW OF AN ADMINISTRATIVE WARNINGS

LS0502242REB and LS0502245REB

MOTION: Lisabeth Weirich moved, seconded by Peter Sveum, to rescind the administrative warnings issued against **Rodney Hannon and Dale Moore** and to close case **03 REB 040**. Motion carried. Case Advisor, Lloyd Levin voted no.

MONITORING REPORT

None.

CASE CLOSINGS

MOTION: Lloyd Levin moved, seconded by Lisabeth Weirich, to close 02 REB 084 due to no violation. Motion carried unanimously. Richard Kollmansberger did not participate in discussion or voting.

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

02 REB 093 for no violation	02 REB 253 for insufficient evidence
02 REB 111 for insufficient evidence	02 REB 262 for insufficient evidence
02 REB 123 for insufficient evidence	02 REB 270 for prosecutorial discretion (P3)
02 REB 138 for no violation	03 REB 085 for administrative closure
02 REB 174 for no violation	03 REB 263 for insufficient evidence
02 REB 177 for no violation	04 REB 160 for no violation
02 REB 179 for no violation	04 REB 236 for prosecutorial discretion (P5)
02 REB 194 for no violation	05 REB 007 for no violation
02 REB 216 for insufficient evidence	

ADMINISTRATIVE WARNING

MOTION: Peter Sveum moved, seconded by Lisabeth Weirich, to return the administrative warning for case **04 REB 101** back to the Division of Enforcement and ask that the Division of Enforcement provide additional information for review at the next meeting. Motion carried unanimously.

STIPULATIONS

KAREN BEHNKE-KNOBLAUCH AND STAMUS, LLC (02 REB 139)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Karen Behnke-Knoblauch and Stamus, LLC (02 REB 139)**. Motion carried unanimously.

WILLIAM BERLAND & HOMESTEAD REALTY, INC. (02 REB 122 & 04 REB 035)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning

William Berland & Homestead Realty, Inc. (02 REB 122 & 04 REB 035). Motion carried unanimously.

TODD FREY (02 REB 098)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Todd Frey (02 REB 098).** Motion carried unanimously.

JEREMIAH J. GULLEY, IMAGE REALTY, LLC (03 REB 052)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Jeremiah J. Gulley, Image Realty, LLC (03 REB 052).** Motion carried unanimously.

JOHN J. LASKO (02 REB 262)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **John J. Lasko (02 REB 262).** Motion carried unanimously.

MARGUERITA MC CLAIN (03 REB 263)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Marguerita McClain (03 REB 263).** Motion carried unanimously.

RUSSELL J. WARREN (02 REB 315)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Russell J. Warren (02 REB 315).** Motion carried unanimously.

JEANNE T. WERLA (03 REB 052)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Jeanne T. Werla (03 REB 052).** Motion carried unanimously.

EARL J. PHILLIPS (04 REB 183)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Earl J. Phillips (04 REB 183).** Motion carried unanimously.

ADJOURNMENT

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to adjourn the meeting at 12:45 p.m. Motion carried unanimously.